THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10776 of 1997
Date: 09-02-2007

Between:
Chenda Babu and two others

Petitioners

And
Government of A.P. rep. by it's
Secretary, Revenue Department,
Secretariat, Hyderabad and four others

Respondents

THE HONOURABLE SRI JUSTICE NOOTY RAMAMOHANA RAO

W.P.No.10776 of 1997

ORDER:

1. This writ petition has been instituted with a prayer as follows:

"to issue any appropriate Writ, order or direction preferably a Writ in the nature of Mandamus declaring the action of respondents more particularly 4th respondent in including the lands measuring 133.33, 66.66 and 61.11 square yards respectively out of Survey No.1482 of Karimnagar, forming part of Plots No.2 and 4 in the location sketch of Survey No.1482 drawn by Mandal Surveyor in the Publication dated 18-12-1996 of Enadu daily, indicating them as to be in the illegal occupation of the occupants thereupon, as illegal, arbitrary, and violative of principles of natural justice."

2. A detailed counter affidavit has been filed by the learned Government Pleader for Revenue. In Para 3 of the affidavit, it has been stated as under:

" It is respectfully submitted that originally the land was allotted to 5th respondent i.e. Dasari Vijaya, in turn she sold the land to the petitioners and they constructed shops in the said land. I further submit that the apprehension of the petitioners that the land of the petitioner will be resumed to the Government as per the News item published in Eenadu dated 18-12-1996. In fact the Revenue authorities never issued notice to the petitioners to evict them from the land or to regularize their lands in favour of

other persons at any point of time. The petitioners purchased the land from the 5th respondent and they are enjoying the property and the Revenue authorities never tried to interfere in their possession and never issued notice to them."

3. Since the respondents and the Revenue Administration are not taking any measures or steps to either interfere or deal with the land in question, the apprehension entertained by the writ petitioners does not appear to be real. In view of the statement made by the Revenue Divisional Officer in his affidavit, nothing survives for adjudication in the writ petition and it is disposed of leaving liberty to the writ petitioners to approach this court in case of any concrete measures are taken by the administration in interfering with their right.

4. With this, the writ petition stands disposed of. No order as to costs.

_____

NOOTY RAMAMOHANA RAO,J

09-02-2007
Stp